

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA**

MUSCOGEE (CREEK) NATION,  
a federally recognized Indian Tribe,

Plaintiff,

vs.

Case No. 23-CV-490-SH

CITY OF TULSA; G.T. BYNUM, in his official  
capacity as Mayor of City of Tulsa; WENDELL  
FRANKLIN, in his official capacity as Chief of  
Police, Tulsa Police Department; and JACK  
BLAIR, in his official capacity as City Attorney  
for City of Tulsa,

Defendants.

**DEFENDANTS' RESPONSE TO  
MOTION TO INTERVENE OF COURTNEY CRENSHAW**

The Motion to Intervene by Courtney Crenshaw should not be ruled upon until the Court rules on the City's Motion to Dismiss filed herein. Doc. 28 (filed Dec. 8, 2023). Indeed, Mr. Crenshaw seeks to overturn unnamed and unknown misdemeanor municipal cases and a felony conviction wherein he was sentenced Life in prison after a jury found him guilty of Murder in the First Degree. *See Crenshaw v. Mullin*, 2007 WL 4387416 (N.D. Okla. 2007). Such challenges are prohibited by the abstention doctrines raised in the Defendants' Motion to Dismiss. Mr. Crenshaw has challenged jurisdiction of the State Court in the Oklahoma Court of Criminal Appeals and been denied post-conviction relief on multiple occasions by that Court. See Oklahoma Court of Criminal Appeals cases PC-2021-1086 and PC-2022-729. This case is not a proper mechanism for challenging those Oklahoma Court of Criminal Appeals decisions, and Mr. Crenshaw is simply seeking an end-run around the State Court's prior rulings and standard appellate procedure.

If this Court grants the motion to dismiss, the motion to intervene is moot. Further, the City has not exercised Major Crimes Act jurisdiction over homicides, and this case therefore does not relate to Mr. Crenshaw's felony case. Any municipal case Mr. Crenshaw might have had is not reviewable due to abstention doctrines as raised in the Motion to Dismiss.

### **CONCLUSION**


This Court should dismiss the claims and requested relief against all parties as argued by the Defendants in the Motion to Dismiss on the basis of the abstention doctrines. In the alternative, this case should be stayed pending the OCCA's decision in *Stitt*, which would be immediately appealable to the United States Supreme Court, a decision from which would moot this case and be binding on all parties.

Respectfully Submitted,

CITY OF TULSA,  
a municipal corporation

JACK C. BLAIR,  
City Attorney

BY:

  
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CERTIFICATE OF MAILING

I, Becky Johnson, hereby certify that on the 18th day of June, 2024, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants, and mailed the document to Mr. Crenshaw:

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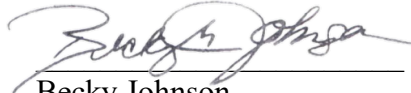
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